

A Resolution

NO. 3344-05-2006

A RESOLUTION GRANTING CONDITIONAL CONSENT TO CREATION OF TUCKER RANCH MUNICIPAL UTILITY DISTRICT No. 2 OF PARKER COUNTY, TEXAS

WHEREAS, the owners of land within the proposed boundaries of Tucker Ranch Municipal Utility District # 2 of Parker County, Texas (the "District") have filed a Petition Requesting Consent to the Creation of a Municipal Utility District (the "Petition"), requesting consent from the City of Fort Worth (the "City") to creation of the District to include approximately 376.395 acres located in Parker County, Texas described on Exhibit A attached hereto; and

WHEREAS, the Land proposed to be included in the District lies within the extraterritorial jurisdiction of the City; and

WHEREAS, the District proposes to provide water, sanitary sewer, drainage, roads and other services to the Land within the proposed boundaries of the District; and

WHEREAS, pending further discussions with the proponent of the District, at this time the City believes that creation of the District, as proposed in the request, is not necessary and is neither feasible nor practicable, and that creation of the district would not further the public welfare, nor would it be a benefit to the Land within the boundaries of the proposed District or the residents of the proposed District, and the City reserves the right to pursue all legal remedies to oppose and protest the creation of the District;

WHEREAS, the City nonetheless desires to assert its conditional consent to creation of the District and the inclusion within the District of the Land within the City's extraterritorial jurisdiction in the event that the District is created;

WHEREAS, the purpose of granting conditional consent is to facilitate further discussions and negotiation with the proponent of the District;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FORT WORTH, TEXAS:

That the City hereby grants its consent to the creation of the District and the inclusion within the District of the Land described in Exhibit A attached hereto within the



CITY OF FORT WORTH

City's extraterritorial jurisdiction subject to and specifically conditioned upon the following:

1.

This consent is effective only in the event that the entity creating the District finds that the District should be created under applicable constitutional, statutory and regulatory provisions. The City specifically reserves the right to oppose and protest the creation of the District and the inclusion of the Land within the District.

2.

The District shall construct all facilities to serve the Land in accordance with plans and specifications that have been approved by the City.

3.

The City shall have the right to inspect all facilities being constructed by the District.

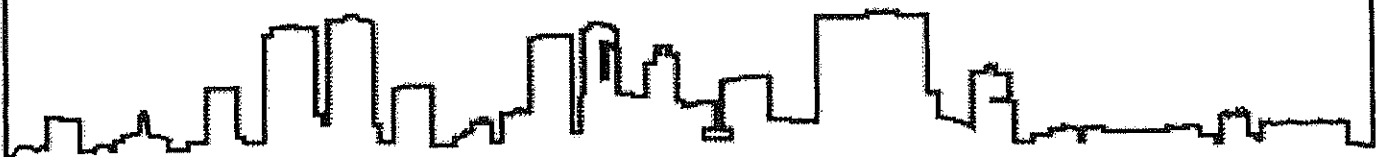
4.

The City shall have the right to review and approve the District's bonds and notes prior to issuance and may place restrictions on the terms and provisions of the District's bonds and notes issued to provide service to the Land and conditions on the sale of the District's bonds and notes to the extent such restrictions and conditions do not generally render the bonds and notes of the District unmarketable.

5.

The purposes for which the District may issue bonds shall, be limited to the purchase, construction, acquisition, repair, extension and improvement of land, easements, works, improvements, facilities, plants, equipment and appliances necessary to:

- i. provide a water supply for municipal uses, domestic uses and commercial purposes;
- ii. collect, transport, process, dispose of and control all domestic, industrial or communal wastes whether in fluid, solid or composite state; and



CITY OF FORT WORTH

- iii. gather, conduct, divert and control local storm water or other local harmful excesses of water in the district and the payment of organization expenses, operation expenses during construction and interest during construction.

6.

The purposes, powers, and duties of the District shall be limited to those expressly authorized for municipal utility districts pursuant to Chapter 54 of the Texas Water Code and applicable constitutional provisions. By approving this resolution, the City does not consent to the financing of facilities designed or utilized to perform fire-fighting services, the exercise or road powers or the conversion of the District to any other form of district.

7.

The parties may negotiate further and contract, in writing, to modify the foregoing terms and conditions of the City's consent to the creation and purpose of the District and the inclusion within the District of the Land.

8.

The phrase "consent to creation" as used in the this resolution has the meaning provided in Sec. 42.042 (d), Texas Local Government Code, to wit authorization to initiate proceedings to create the District as provided by law.

BE IT FURTHER RESOLVED BY THE CITY COUNCIL OF THE CITY OF FORT WORTH that the City Secretary is hereby directed to file a copy of this resolution in the permanent records of that office.

Adopted this 9th day of May 2006.

ATTEST:


By:



Marty Hendrix, City Secretary

APPROVED
CITY COUNCIL

MAY 9 2006


City Secretary of the
City of Fort Worth, Texas



CITY OF FORT WORTH

PETITION REQUESTING CITY CONSENT TO THE CREATION
OF A MUNICIPAL UTILITY DISTRICT

THE STATE OF TEXAS §

COUNTY OF PARKER §

TO THE HONORABLE MAYOR AND CITY COUNCIL OF THE CITY OF FORT WORTH,
TEXAS:

The undersigned, Boca Raton Apartments, LLC, a Texas limited liability company, Sun Winds, LLC, a Nevada limited liability company, EJ Edwards Ranch, LP, a Texas limited partnership, Management Solutions, Inc., a Texas corporation, BB Edwards Ranch, LP, a Texas limited partnership, LH Edwards Ranch, LP, a Texas limited partnership, and MW Edwards Ranch, LP, a Texas limited partnership (collectively, the "Owner"), the holders of title to a majority in value of the land situated within the area hereinafter described, as indicated on the tax rolls of Parker County, Texas, acting pursuant to subsections 42.042(a) and (b), Texas Local Government Code, as amended, Section 54.016 of the Texas Water Code, as amended, and pursuant to other provisions of Chapters 49 and 54, Texas Water Code, as amended, respectfully submit this petition requesting this Honorable City Council to consent to the creation of a municipal utility district (the "District"), and for cause Owner would respectfully show the following:

I.

The District shall be organized under the provisions of Article III, Section 52 and Article XVI, Section 59 of the Constitution of Texas and the applicable provisions of Chapters 49 and 54, Texas Water Code, as amended.

II.

The proposed name of the District is "Tucker Ranch Municipal Utility District No. 2 of Parker County, Texas." The District shall contain an area of approximately 376.395 acres of land, more or less, lying wholly within the extraterritorial jurisdiction of the City of Fort Worth, Texas. The boundaries of the proposed District are described by metes and bounds on Exhibit A. The District shall consist of land wholly within Parker County, Texas. There is no other conservation or reclamation district in Parker County, Texas with the same name.

III.

The general nature of the work to be done by and within the District (the "Improvements") shall be:

- (i) the construction, maintenance, and operation of a waterworks system for residential and commercial purposes;
- (ii) the construction, maintenance, and operation of a sanitary sewer collection system and sewage disposal plant;
- (iii) the control, abatement, and change of any shortage or harmful excess of waters and the reclamation and drainage of overflowed lands within the District;
- (iv) the construction, acquisition, improvement, maintenance, and operation of macadamized, graveled, or paved roads and turnpikes and improvements in aid of such roads and turnpikes; and
- (v) such other construction, installation, maintenance, purchase, and operation of such additional facilities, systems, plants and enterprises as shall be consistent with the purposes for which the District is organized.

The District may also finance one or more facilities designed or utilized to perform fire-fighting services and may purchase interests in land and purchase, construct, acquire, improve, extend, maintain, and operate improvements, facilities, and equipment for the purpose of providing parks and recreational facilities to the extent authorized and permitted under state law.

IV.

There is a necessity for the Improvements because the District is located within an area which will experience a substantial and sustained residential and commercial growth within the immediate future, is urban in nature and is not supplied with adequate water, sanitary sewer, and drainage facilities, roads, and services. The health and welfare of the future inhabitants of the District require the construction, acquisition, maintenance, installation, and operation of an adequate waterworks system, sanitary sewer system, road system, and drainage and storm sewer system.

The purchase, construction, extension, improvement, maintenance and operation of such waterworks system and storm and sanitary sewer system will conserve and preserve the natural resources of this State by promoting and protecting the purity and sanitary condition of the State's waters and will promote and protect the public health and welfare of the community; therefore, a public necessity exists for the organization of the District.

The land within the District cannot be developed without the creation of the District to finance the water, wastewater, drainage, and road facilities, therefore a public necessity exists.

V.

The Improvements are practicable and feasible. The terrain of the District is of such a nature that waterworks and sanitary and storm sewer systems and facilities and roads can be constructed at a

reasonable cost; and the District will be rapidly developed primarily for residential and commercial purposes.

VI.

The estimated cost of the Improvements is \$34,165,000.00.

VII.

WHEREFORE, the undersigned Owner respectfully prays that this request be granted in all respects and that the City Council of the City of Fort Worth, Texas, adopt an ordinance or resolution giving its written consent to the creation of the District.

RESPECTFULLY SUBMITTED, this ____ day of February 2006.

LH EDWARDS RANCH, LP,

A Texas limited partnership

By: LH Edwards Ranch Management, LLC,

A Texas limited liability company

Its: General Partner

By: 

Name: Lee A. Hughes

Title: Manager

BB EDWARDS RANCH, LP,

A Texas limited partnership

By: BB Edwards Ranch Management, LLC,

A Texas limited liability company

Its: General Partner

By: 

Name: Brad Barrington

Title: Manager

MW EDWARDS RANCH, LP,

A Texas limited partnership

By: MW Edwards Ranch Management, LLC,

A Texas limited liability company

Its: General Partner

By: 

Name: Mike Wells

Title: Manager

EJ EDWARDS RANCH, LP,

A Texas limited partnership

By: EJ Edwards Ranch Management, LLC,

A Texas limited liability company

Its: General Partner

By: 

Name: Evan Jacobson

Title: Manager

BOCA RATON APARTMENTS, LLC,

A Texas limited liability company

By: 

Name: Evan Jacobson

Title: Manager

SUN WINDS, LLC,

A Nevada limited liability company

By: 

Name: Evan Jacobson

Title: Manager

MANAGEMENT SOLUTIONS, INCORPORATED,
A Texas corporation


By:  V.P.
Name: Evan Jacobson
Title: Vice President

Exhibit A
Legal Description of the Proposed District

BEING situated in the M. Teter Survey, Abstract Number 2070, the P. McClary Survey, Abstract Number 907, and the W. Cagle Survey, Abstract Number 2373, Parker County, Texas, and being a portion of that certain tract of land described by deed to Boca Raton Apartments, LLC, et al as recorded in Volume 2388, Page 295, Deed Records, Parker County, Texas, and all of that certain tract of land described by deed to Boca Raton Apartments, LLC, et al as recorded in Volume 2388, Page 306, Deed Records, Parker County, Texas, and being more particularly described by metes and bounds as follows:

COMMENCING at a Texas Department of Transportation (TxDOT) monument found at the northwest corner of said Boca Raton tract recorded in Volume 2388, Page 295, said monument also being the southwest corner of that certain Tract 1 described by deed to the Lyon Living Trust as recorded in Volume 1870, Page 1479, Deed Records, Parker County, Texas, and being in the existing east right-of-way line of FM 3325 (a variable width public right-of-way) and the beginning of a curve to the left;

THENCE 461.63 feet along said east right-of-way line of FM 3325 and with said curve to the left, through a central angle of 03°29'23", having a radius of 7579.44 feet, the long chord of which bears S 01°21'16"W, 461.56 feet to a TxDOT monument found;

THENCE S 00°25'13"E, 796.84 feet, continuing along said east right-of-way line of FM 3325 to a TxDOT monument found at the beginning of a curve to the left;

THENCE 581.35 feet, continuing along said east right-of-way line of FM 3325 and with said curve to the left, through a central angle of 18°00'22", having a radius of 1849.86 feet, the long chord of which bears S 09°24'15"E, 578.96 feet to a TxDOT monument found at the **POINT OF BEGINNING**;

THENCE N 79°19'36"E, 682.91 feet, departing said east right-of-way line of FM 3325;

THENCE N 00°10'00"W, 796.20 feet;

THENCE N 85°53'56"W, 7.08 feet;

THENCE N 03°02'39"E, 189.13 feet;

THENCE N 14°44'51"E, 168.36 feet;

THENCE N 35°36'14"E, 67.56 feet;

THENCE N 41°57'45"E, 244.70 feet;

THENCE N 00°04'22"W, 274.34 feet;

THENCE S 89°14'27"E, 1398.20 feet;

THENCE S 00°34'26"E, 350.18 feet;

THENCE N 90°00'00"W, 51.12 feet;

THENCE S 00°04'22"E, 232.45 feet;

THENCE S 15°08'17"W, 96.62 feet;

THENCE S 28°05'58"W, 65.00 feet;

THENCE S 44°48'57"W, 133.15 feet;

THENCE S 48°02'15"E, 41.28 feet to the beginning of a curve to the right;

THENCE 34.63 feet with said curve to the right, through a central angle of 13°13'35", having a radius of 150.00 feet, the long chord of which bears S 41°25'27"E, 34.55 feet;

THENCE S 34°48'40"E, 40.32 feet;

THENCE S 55°11'20"W, 171.72 feet to the beginning of a curve to the left;

THENCE 121.19 feet with said curve to the left, through a central angle of 13°13'35", having a radius of 525.00 feet, the long chord of which bears S 48°34'33"W, 120.92 feet;

THENCE S 41°57'45"W, 239.52 feet;

THENCE S 48°02'15"E, 111.56 feet to the beginning of a curve to the left;

THENCE 169.63 feet with said curve to the left, through a central angle of 20°27'40", having a radius of 475.00 feet, the long chord of which bears S 58°16'05"E, 168.73 feet;

THENCE S 68°29'55"E, 56.74 feet;

THENCE S 21°30'05"W, 177.23 feet to the beginning of a non-tangent curve to the left;

THENCE 55.01 feet with said non-tangent curve to the left, through a central angle of 02°45'09", having a radius of 1145.00 feet, the long chord of which bears S 68°37'26"E, 55.00 feet;

THENCE S 21°30'05"W, 188.51 feet to the beginning of a curve to the left;

THENCE 176.02 feet with said curve to the left, through a central angle of 21°27'27", having a radius of 470.00 feet, the long chord of which bears S 10°46'21"W, 174.99 feet;

THENCE S 00°02'38"W, 1271.27 feet to the beginning of a curve to the left;

THENCE 412.70 feet with said curve to the left, through a central angle of 50°18'37", having a radius of 470.00 feet, the long chord of which bears S 25°06'41"E, 399.57 feet;

THENCE S 50°15'59"E, 544.29 feet to the beginning of a curve to the right;

THENCE 279.90 feet with said curve to the right, through a central angle of 30°15'31", having a radius of 530.00 feet, the long chord of which bears S 35°08'14"E, 276.66 feet;

THENCE N 55°14'07"E, 85.21 feet;

THENCE N 58°06'48"E, 45.86 feet;

THENCE N 79°47'16"E, 43.34 feet;

THENCE N 89°44'43"E, 512.63 feet;

THENCE N 84°59'09"E, 1081.20 feet;

THENCE S 00°39'57"E, 2061.29 feet;

THENCE S 83°48'14"W, 1204.34 feet;

THENCE S 77°08'44"W, 400.56 feet;

THENCE S 40°54'11"W, 314.22 feet;

THENCE S 01°11'35"W, 386.71 feet to a point in the south line of said Boca Raton tract recorded in Volume 2388, Page 295, said point also being in the north right-of-way line of Mary's Creek Road (a variable width public right-of-way);

THENCE along said north right-of-way line of Mary's Creek Road the following bearings and distances:

N 83°41'56"W, 57.44 feet to a fence post found;

N 64°18'37"W, 160.48 feet to a fence post found;

N 80°29'46"W, 540.38 feet to a fence post found;

N 89°24'18"W, 1436.95 feet to a TxDOT monument found at the south end of a corner clip at the intersection of said north right of way line of Mary's Creek Road and the aforementioned east right-of-way line of FM 3325;

THENCE N 44°34'43"W, 71.60 feet to a TxDOT monument found at the north end of said corner clip;

THENCE along said east right-of-way line of FM 3325 the following bearings and distances:

N 00°30'28"W, 851.96 feet to a 1/2 inch iron rod found at the southeast corner of the aforementioned Boca Raton tract recorded in Volume 2388, Page 306;

N 00°31'16"W, 292.31 feet to a TxDOT monument found;

N 00°38'05"W, 13.24 feet to a 1/2 inch iron rod found at the northeast corner of said Boca Raton tract recorded in Volume 2388, Page 306;

N 00°29'35"W, 1786.94 feet to a TxDOT monument found;

N 04°58'56"E, 50.19 to a TxDOT monument found;

N 00°28'54"W, 100.03 feet to a TxDOT monument found;

N 06°09'53"W, 50.19 feet to a TxDOT monument found;

N 00°23'20"W, 47.37 feet to a TxDOT monument found;

N 02°01'08"W, 155.70 feet to a TxDOT monument found;

N 06°25'30"E, 104.34 feet to a TxDOT monument found;

N 06°42'02"W, 309.02 feet to a TxDOT monument found;

N 28°47'19"W, 106.85 feet to a TxDOT monument found at the beginning of a non-tangent curve to the left;

248.63 feet with said non-tangent curve to the left, through a central angle of 04°52'14", having a radius of 2924.79 feet, the long chord of which bears N 15°59'46"W, 248.56 feet to a TxDOT monument found;

N 18°25'34"W, 877.10 feet to the POINT OF BEGINNING and containing 376.395 acres of land, more or less.

City of Fort Worth, Texas
Mayor and Council Communication

COUNCIL ACTION: Approved on 5/9/2006 - Resolution No. 3344-05-2006

DATE: Tuesday, May 09, 2006
LOG NAME: 60TUCKER MUD#2

REFERENCE NO.: G-15196

SUBJECT:

Approval of Resolution Granting Conditional Consent to the Creation of Tucker Ranch Municipal Utility District No. 2 of Parker County, Texas

RECOMMENDATION:

It is recommended that the City Council approve the attached Resolution Granting Conditional Consent to the Creation of Tucker Ranch Municipal Utility District No. 2 of Parker County, Texas.

DISCUSSION:

Boca Raton Apartments, LLC; EJ Edwards Ranch, LP; Management Solutions, Inc.; BB Edwards Ranch, LP; LH Edwards Ranch, LP; MW Edwards Ranch, LP; and Sun Winds, LLC have represented to the City that they jointly own and intend to develop approximately 376.395 acres in Fort Worth's extraterritorial jurisdiction (the "Land"). The property is in Parker County and is located north of IH 20 and east of F.M. 3325. A Certificate of Convenience and Necessity (CCN) has not been issued to the City or to any other entity to provide retail water service to the Land.

The property owners identified above have submitted a petition requesting the City to consent to creation of a municipal utility district to include the land (the "District"). The petition represents that the general nature of the work proposed to be done by the District includes the construction, maintenance, and operation of water systems, sewer systems, storm drainage systems, roads, facilities for fire-fighting services, and parks and recreational facilities, to the extent permitted by law.

State law provides a process for property owners to petition for consent to creation of a municipal utility district in a city's extraterritorial jurisdiction. The consent to creation of the District is only an authorization for the proponents to initiate proceedings to create the district in the Texas Commission on Environmental Quality. Adoption of the attached consent resolution will preserve the City's right to review and approve all plans and specifications for facilities to serve the Land, inspect all facilities being constructed by the District, place reasonable restrictions on the District's bonds and notes, and limit the purposes for which the District may issue bonds to providing water service, sewer service and storm water control. Approval of the resolution will facilitate further discussions and negotiations between the City and the owners of the Land concerning creation and development of the District.

FISCAL INFORMATION/CERTIFICATION:

The Finance Director certifies that this action will have no material effect on City funds.

TO Fund/Account/Centers

FROM Fund/Account/Centers

Submitted for City Manager's Office by:

Marc Ott (6122)

Originating Department Head:

S. Frank Crumb (8207)

Additional Information Contact:

S. Frank Crumb (8207)
